

NOT FOR PUBLICATION

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NO. 25810

IN THE INTERMEDIATE COURT OF APPEALS  
OF THE STATE OF HAWAI'I

LEWIS W. POE, Complainant-Appellant, v.  
HAWAII LABOR RELATIONS BOARD, State of Hawaii,  
Appellee-Appellee, and HAWAII GOVERNMENT EMPLOYEES  
ASSOCIATION, AFSCME, LOCAL 152, AFL-CIO,  
Respondent-Appellee.

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT  
(CIV. NO. 02-1-0925)

SUMMARY DISPOSITION ORDER  
(By: Burns, C.J., Lim and Foley, JJ.)

Lewis W. Poe (Poe), *pro se* at all stages of this proceeding, brings this secondary appeal of the April 9, 2003 final judgment and underlying order of even date entered by the circuit court of the first circuit<sup>1</sup> in favor of the Hawaii Labor

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<sup>1</sup> The Honorable Eden Elizabeth Hifo, judge presiding.

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Relations Board, State of Hawaii (the Board), and the Hawaii Government Employees Association, AFSCME, Local 152, AFL-CIO (the Union). The final judgment affirmed the Board's January 7, 2002 order that granted the Union's November 26, 2001 motion to dismiss Poe's September 7, 2001 prohibited labor practice complaint as moot, and the Board's March 14, 2002 order that denied Poe's January 22, 2002 motion for reconsideration.

After a thoughtful review of the record and the briefs submitted by the parties, and giving careful consideration to the arguments advanced and the issues raised by the parties, we hold that the circuit court was correct in affirming the Board's determination that Poe's prohibited labor practice complaint had been rendered moot by the Union's acquiescence in Poe's request for review of certain collective bargaining documents. See Carl Corp. v. State, Dep't of Educ., 93 Hawai'i 155, 164-65, 997 P.2d 567, 576-77 (2000). The exception to the mootness doctrine does not apply here because it cannot be said that the questions involved "affect the public interest and are capable of repetition yet evading review." Okada Trucking Co., Ltd. v. Bd. of Water Supply, 99 Hawai'i 191, 196-98, 53 P.3d 799, 804-06 (2002) (citations and internal quotation marks omitted). See also McCabe Hamilton & Renny Co., Ltd. v. Chung, 98 Hawai'i 107, 120-21, 43 P.3d 244, 257-58 (App. 2002).

Therefore,

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IT IS HEREBY ORDERED that the circuit court's April 9, 2003 final judgment and its underlying order of even date are affirmed.

DATED: Honolulu, Hawai'i, October 14, 2004.

On the briefs:

Lewis W. Poe, *pro se*  
complainant-appellant.

Chief Judge

Valri Lei Kunimoto,  
Hawaii Labor Relations Board,  
State of Hawaii (the Board),  
for appellee-appellee the Board.

Associate Judge

James E. T. Koshiha  
and Neal K. Aoki  
(Koshiha Agena & Kubota),  
for respondent-appellee  
Hawaii Government Employees  
Association, AFSCME, Local 152,  
AFL-CIO.

Associate Judge